

**COPY**

FROM PRIORITY APPLICATION

~~EV026159788~~

**DECLARATION OF CONTINUATION-IN-PART FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Expandible Stinger Planter, the specification of which is attached hereto.

This application in part discloses and claims subject matter disclosed in my earlier filed pending application, Serial No. 09/338,322, filed June 22, 1999.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I hereby claim benefit under Title 35, United States Code, §120 in connection with said earlier filed application;

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, including any such information which became available between the filing date of the prior application and the national or PCT international filing date of this application.

As to the subject matter of this application, which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to said earlier application, or in

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EV318280919

public use or on sale in the United States of America more than one year prior to said earlier application;

The common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and

As to applications for patents or inventor's certificate on the common subject matter filed in any country foreign to the United States of America, prior to said earlier application by me or my legal representatives or assigns, I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application;

Said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by

me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and certificate having a filing date before that of the application on which priority is claimed:

**POWER OF ATTORNEY:**

As a named Inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: David P. Roberts, Reg. No. 23,032; Randy A. Gregory, Reg. No. 30,386; Mark S. Matkin, Reg. No. 32,268; James L. Price, Reg. No. 27,376; Deepak Malhotra, Reg. No. 33,560; Mark W. Hendricksen, Reg. No. 32,356; David G. Latwesen, Reg. No. 38,533; George G. Grigel, Reg. No. 31,166; Keith D. Grzelak, Reg. No. 37,144; James D. Shaurette, Reg. No. 39,833; Frederick M. Fliegel, Reg. No. 36,138; Donald Brent Kenady, Reg. No. 40,045; James E. Lake, Reg. No. 44,854; Bernard Berman, Reg. No. 37,279; and Jennifer J. Taylor, Reg. No. 48,711.

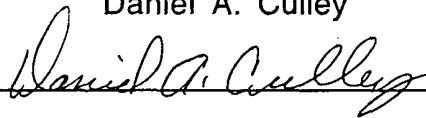
Direct all communications to James L. Price, at WELLS, ST. JOHN, ROBERTS, GREGORY & MATKIN P.S., 601 W. First Avenue, Suite 1300, Spokane, WA 99201-3828. Telephone: (509) 624-4276; (PTO Customer No. 021567).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

\*\*\*\*\*

Full name of inventor: Daniel A. Culley

Inventor's Signature: \_\_\_\_\_



Date: 01-29-02

Residence: Dayton, Washington

Citizenship: USA

Post Office Address: 128 Davis Hollow  
Dayton, WA 99328

\*\*\*\*\*



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

**COPY** FROM PRIORITY  
APPLICATION

JULY 22, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

WELLS ST. JOHN P.S.  
KEITH D. GRZEIAK  
601 W. FIRST AVENUE  
SUITE 1300  
SPOKANE, WA 99201-3828



\*102386558A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 03/05/2003

REEL/FRAME: 013813/0429

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CULLEY, DANIEL A.

DOC DATE: 12/05/2002

ASSIGNOR:

CULLEY, CATHLEEN A.

DOC DATE: 12/05/2002

ASSIGNEE:

NORTHWEST REVEGETATION AND  
ECOLOGICAL RESTORATION, INC.  
120 SOUTH FIFTH STREET, SUITE 201  
P.O. BOX 981  
HAMILTON, MONTANA 59840

SERIAL NUMBER: 10060890

PATENT NUMBER:

FILING DATE: 01/29/2002

ISSUE DATE:

SERIAL NUMBER: 10319740

PATENT NUMBER:

FILING DATE: 12/12/2002

ISSUE DATE:

SERIAL NUMBER: 09338322

PATENT NUMBER: 6158362

FILING DATE: 06/22/1999

ISSUE DATE: 12/12/2000

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013813/0429 PAGE 2

SERIAL NUMBER: 09635829  
PATENT NUMBER: 6341568

FILING DATE: 08/09/2000  
ISSUE DATE: 01/29/2002

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
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Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

## 1. Name of Conveying Part(ies):

3-503  
Daniel A. Culley, inventor  
Cathleen A. Culley, his wifeAdditional name(s) of conveying  
party(ies) attached?☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment ☐ Security Agreement  
☐ Merger ☐ Change of Name  
☐ OtherExecution Date: December 5, 2002 (in two  
counterparts)

## 2. Name and address of receiving party(ies):

Name: Northwest Revegetation and Ecological  
Restoration, Inc.

Internal Address: MAR 5 2003

Street Address: 120 South Fifth Street, Ste. 201

P.O. Box 981

City: Hamilton State: Montana Zip: 59840

Additional names(s) & address(es) attached: ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application Nq.(s):

10/060,890

10/319,740 (reissue of Patent 6,158,362)

## B. Patent No.(s)

6,158,362

6,341,568 B1

Additional numbers attached:

☐ Yes ☒ No

Additional numbers attached:

☐ Yes ☒ No5. Name and address of party to whom  
correspondence concerning document should  
be mailed:

Name: Keith D. Grzelak

Internal Address: Wells St. John P.S.

Street Address: 601 W. First Avenue, Ste. 1300

City: Spokane State: WA Zip: 99201-3828

6. Total number of applications and  
patents involved. . . . .

4

## 7. Total fee (37 CFR 3.41). . . . . \$ 160

☐ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number

23-0925

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached  
copy is a true copy of the original document.

Keith D. Grzelak

Name of Person Signing

Signature

3/5/03

Date

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET, ATTACHMENTS AND DOCUMENT: 3

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**PATENT ASSIGNMENT****COPY**

This Agreement, entered into on December 5, 2002 ("Effective Date"), is by and between DANIEL A. CULLEY and CATHLEEN A. CULLEY, residing at 128 Davis Hollow, Dayton, Washington 99328 ("Culley"), and NORTHWEST REVEGETATION AND ECOLOGICAL RESTORATION, INC., a Montana corporation and successor in interest to C.J.B. PROPERTIES, L.L.C., with a principal place of business at \_\_\_\_\_, its successors and assigns ("Buyer").

**Whereas**, Culley wishes to assign to Buyer all right, title and interest in and to the inventions and patents specified in § 1, below; and

**Whereas**, Buyer wishes to accept such assignment;


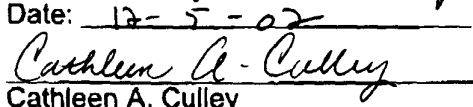
**Now Therefore**, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Culley hereby assigns to Buyer, and Buyer hereby accepts, all rights, title and interest in and to, the patents specified below (including any reissues, continuations, continuations-in-part, divisionals, revisions, extensions, and reexaminations thereof), and the exclusive right to enforce such patents in the United States and throughout the world in the sole name of Buyer, its successors or assigns.

<u>Patent</u>	<u>Application/Patent No. (if applicable)</u>
Expandable Stinger Planter	U.S. Patent No. 6,158,362
Expandable Stinger Planter	U.S. Patent No. 6,341,568 B1
Expandable Stinger Planter	U.S. Pat. Application Serial No. 10/060,890

**IN WITNESS WHEREOF**, the parties hereto are duly authorized to and do hereby execute this Agreement as of the Effective Date.

**CULLEY**

  
Daniel A. Culley  
Date: 12-5-02  
  
Cathleen A. Culley  
Date: 12-5-02

**BUYER**

NORTHWEST REVEGETATION AND  
ECOLOGICAL RESTORATION, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**ACKNOWLEDGMENT**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**EV085429209**



PATENT ASSIGNMENT**COPY**

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Expandable Stinger Planter	U.S. Pat. Application Serial No. 10/060,890

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**CULLEY****BUYER**

NORTHWEST REVEGETATION AND  
ECOLOGICAL RESTORATION, INC.

\_\_\_\_\_  
Daniel A. Culley  
Date: \_\_\_\_\_

By: Ernie Kwiatkowski  
Name: ERNIE KWIAKOWSKI  
Title: CHIEF FINANCIAL OFFICER  
Date: 12.5.02

\_\_\_\_\_  
Cathleen A. Culley  
Date: \_\_\_\_\_

**ACKNOWLEDGMENT**

By: [Signature]  
Title: Secretary  
Date: 12.5.02

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